

**REMARKS**

The above amendments and these remarks are responsive to the Office Action issued on July 27, 2005. By this response, claims 1-11 are amended. No new matter is introduced. Claims 1-11 are active for examination.

The Office Action dated July 27, 2005 rejected claims 1, 2, and 5 under 35 U.S.C. §102(b) as allegedly being anticipated by Backman et al (U.S. Patent No. 5,902,347). Claims 10 and 11 stood rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hara (US Pub. No. 2002/0133560). Claims 4 and 6-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Backman in view of Hara. The Abstract was objected to for formality reason. Claim 3 was objected to for depending from a rejected base claim.

It is submitted that the rejections are overcome and the objections are addressed in view of the amendment and remarks presented herein.

**The Anticipation Rejection of Claims 1, 2 and 5 Is Overcome**

Claims 1, 2, and 5 were rejected as allegedly being anticipated by Backman. The anticipation rejection is respectfully traversed because Backman cannot support a prima facie case of anticipation.

Independent claim 1, as amended, describes a mobile terminal comprising a compressed-application memory configured to compress and store an application program, and a location-information acquirer configured to acquire location information of the mobile terminal. A determination unit is provided to determine whether or not the application program stored in the compressed-application memory should be decompressed based on the location of the mobile terminal. A decompressor decompresses the application program when the determination unit has

determined that the application program should be decompressed. Thus, an exemplary mobile terminal according to claim 1 selectively decompresses a application program based on the location of the mobile terminal.

Backman, however, does not disclose features of claim 1. According to Backman, a hand-held GPS-mapping device displays the position of a user on a screen, based on a received GPS signal. Although Backman generally discusses a process to decompress files stored in the GPS-mapping device, Backman does not specifically teach that a determination unit is provided to determine whether or not the application program stored in the compressed-application memory should be decompressed based on the location of the mobile terminal, as described in claim 1. As Backman lacks a determination device as described in claim 1, Backman does not decompress the application program when the determination unit has determined that the application program should be decompressed, as described in claim 1.

Since Backman fails to disclose every limitation of claim 1, the anticipation rejection based on Backman is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Claims 2 and 5 depend on claim 1 and incorporate every limitation thereof. Consequently, claims 2 and 5 also are patentable over Backman by virtue of their dependencies from claim 1. Favorable reconsideration of claims 2 and 5 is respectfully requested.

### **The Anticipation Rejection of Claims 10 and 11 Is Overcome**

Claims 10 and 11 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hara. However, it was noted that the publication date of Hara is September 19, 2002, which is less than one year from the filing date of this application, July 31, 2003, and is later than the

priority date of this application, July 31, 2002. It is assumed that the anticipation rejection is based on 35 U.S.C. §102(e), not 35 U.S.C. §102(b). Applicants submit that the anticipation rejection is overcome because Hara cannot support a prima facie case of anticipation.

Independent claim 10, as amended, describes a method for controlling a mobile terminal comprising a location acquirer to acquire a location of the mobile terminal. A compressed application program corresponding to a pre-registered particular location range is decompressed when the acquired location of the mobile terminal is found a prescribed number of times in succession in the pre-registered particular location range.

On the other hand, Hara relates to providing suitable information to a user based on the number of times that a user visits a predetermined area. However, Hara does not describe a decompression process that is performed to decompress a compressed application program corresponding to the pre-registered particular location range based on the location of the user and the number of times in succession that the user is found in a pre-registered particular location range. Accordingly, Hara fails to disclose “a compressed application program corresponding to a pre-registered particular location range is decompressed when the acquired location of the mobile terminal is found a prescribed number of times in succession in the pre-registered particular location range,” as described in claim 10. Since Hara fails to teach every limitation of claim 10, Hara cannot support a prima facie case of anticipation. The anticipation rejection based on Hara is untenable and should be withdrawn. Favorable reconsideration of claim 10 is respectfully requested.

Claim 11 depends on claim 10 and incorporates every limitation thereof. Consequently, claim 11 is also patentable over Hara by virtue of its dependency on claim 10.

**The Obviousness Rejection of Claims 4 and 6-9 Is Overcome**

Claims 4 and 6-9 depend on claim 1, directly or indirectly, and incorporate every limitation thereof. It is submitted that the obviousness rejection of claims 4 and 6-9 based on Backman and Hara is respectfully traversed because Backman and Hara cannot support a prima facie case of obviousness.

Both Backman and Hara fail to disclose a determination unit configured to determine whether or not the application program stored in the compressed-application memory should be decompressed based on the location of the mobile terminal, as described in claim 1. Furthermore, as both Backman and Hara lack a determination device as described in claim 1, neither Backman nor Hara decompresses the application program when the determination unit has determined that the application program should be decompressed, as described in claim 1. Accordingly, Backman and Hara, even if combined, fail to disclose every feature of claim 1, all of which are incorporated into claims 4 and 6-9.

Since Backman and Hara do not disclose every limitation of claims 4 and 6-9, Backman and Hara cannot support a prima facie case of obviousness. The obviousness rejection is untenable and should be withdrawn. Favorable reconsideration of claims 4 and 6-9 is respectfully requested.

**The Objections Are Addressed**

The Office Action objected to the format of the Abstract. By this response, a new Abstract in correct format is provided. It is respectfully submitted that the objection is addressed.

Claim 3 indirectly depends on claim 1. The Office Action indicated that claim 3 would be allowable if it is rewritten into independent form including every limitation of the base claim and any intervening claims.

As discussed above, claim 1 is patentable. Consequently, claim 3 also is patentable by virtue of its dependency from claim 1. It is believed claim 3 is in appropriate form.

**Conclusion**

For the reasons given above, Applicants believe that this application is condition for allowance and Applicants request that the Examiner give the application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to **Deposit Account 500417** and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Wei-Chen Nicholas Chen  
Registration No. 56,665

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 WC:al  
Facsimile: 202.756.8087  
**Date: October 27, 2005**

**Please recognize our Customer No. 20277  
as our correspondence address.**